Amendments to the Drawings:

The drawing sheet attached in connection with the above-identified application containing Fig. 24 is being presented as a new formal drawing sheet to be included in the application.

REMARKS

Status of Claims:

Claim 2 remains cancelled. New claims 3-6 are added. Thus, claims 1 and 3-6 are present for examination.

Drawings:

The drawings are objected to under 37 CFR 1.83(a). The Examiner stated that, "[t]he drawings must show every feature of the invention specified in the claims", and that, "[t]herefore, all steps in the process used in fabricating a liquid crystal display (LCD) must be shown or the feature(s) canceled from the claim(s)."

New formal drawing Fig. 24 is submitted herewith in the application. New Fig. 24 shows the steps in a process used in fabricating a liquid crystal display (LCD) that are recited in the claims. Support for FIG. 24 can be found in the application as filed in paragraphs [0020], [0050]-[0055], and [0060]-[0066]. No new matter has been added.

Thus, the drawings are now believed to be in compliance with the requirements of 37 CFR 1.83(a).

Specification:

The specification has been amended to describe new Fig. 24. Support for the paragraphs added to the specification can be found in the application as filed in paragraphs [0020], [0050]-[0055], and [0060]-[0066]. No new matter has been added.

Double Patenting Rejection:

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent Number 6,781,644.

With respect to claim 1, the rejection is respectfully traversed.

The Examiner notes that, "the instant application is a divisional of the parent application 09/583,530 (now US 6,781,644)". Applicant would like to point out that the Examiner issued an election/restriction requirement under 35 U.S.C. 121 in the Office Action mailed March 26, 2003, with respect to the parent application 09/583,530 (now US 6,781,644). A copy of the Office Action mailed March 26, 2003, with respect to the parent application 09/583,530 (now US 6,781,644) is submitted herewith.

When issuing the election/restriction requirement in the Office Action of March 26, 2003, the Examiner stated that:

> "Restriction to one of the following inventions is required under 35 U.S.C. 121:
>
> I. Claims 1-9 drawn to a liquid crystal display (LCD) device, classified in class 349, subclass 38.
>
> II. Claims 10-11 drawn to a process for fabricating an LCD device having the step of etching method, classified in class 438, subclass 08." (Emphasis Added).

The Examiner further stated when issuing the election/restriction requirement in the Office Action of March 26, 2003, that:

> "Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the LCD as claimed in group I can be made by another different process other than the claimed method in group II (e.g., photolithography method)." (Emphasis Added).

Thus, the Examiner indicated that a process for fabricating an LCD device having the step of etching is a distinct invention from a liquid crystal display device. In view of the election/restriction requirement made in the Office Action of March 26, 2003, in the parent application 09/583,530 (now US 6,781,644), applicant believes that the double patenting rejection of independent claim 1 is unwarranted and, hence, believes that claim 1 is allowable.

Moreover, 35 U.S.C. § 121 states:

> "A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application." (Emphasis Added).

Thus, the Examiner may not apply a double patenting rejection by citing the parent application, because the Examiner made a requirement for restriction in the parent application and, as a consequence, the patent issuing from the parent application cannot be used as a reference against the divisional application.

Therefore, applicant believes that the double patenting rejection of independent claim 1 is unwarranted.

New dependent claims 3-6 depend from independent claim 1 and, thus, are believed to be allowable for at least the same reasons that independent claim 1 is believed to be allowable.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 14, 2005 By Justin Sobaje

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